

Memorandum

To: Julie Dubick

From: James Ingram

Re: Proposed Language on the Appointment and Removal of the Personnel Director

Date: July 25, 2007

Per the Subcommittee's request, the staff has drafted straw language regarding the Personnel Director. The following language would provide that the Personnel Director be appointed by and serve at pleasure of the Mayor.

Proposed Language

265(b)(16) Notwithstanding contrary language in Charter sections 37 or 116, sole authority to appoint the Personnel Director, subject to Council confirmation.

265(b)(17) Sole authority to dismiss the Personnel Director without recourse.

Staff Analysis

Section 265(b) of San Diego's Charter details the powers of the Mayor, and would be the appropriate location in the Charter for the proposed language.

The earlier staff report on this subject included a matrix on Personnel Directors comparing San Diego with other Strong Mayor cities both in California and the United States. That report demonstrated that mayoral appointment of the Personnel Director is a time-tested concept. Boston, Columbus, Detroit, Los Angeles, New York City and San Francisco all employ this system.

In Columbus, Detroit and New York City, the Personnel Director is appointed without Council confirmation, serves at the pleasure of the Mayor, and may be removed without recourse (Columbus Municipal Code Section 213.01 and 213.02; Detroit Charter Section 6-505; N.Y. Charter Section 385). In Boston, the equivalent officer is appointed by the Mayor without Council confirmation, and may be removed according to the terms of civil service law (Boston Municipal Code Section 5-1.1).¹

Both Los Angeles and San Francisco allow an appeal process, in which a supermajority vote by the legislative body may overturn the Mayor's removal of the Personnel Director (L.A. Charter Section 508; S.F. Charter Section 10.103).

The City's Civil Service Commission would continue to recommend to the Council the rules for Civil Service, and to generally monitor the system. Yet the proposed language would clarify that the executive branch of the City is under the control of the Mayor as the Chief Executive Officer, rather than diffusing responsibility and clouding accountability, as the Charter does at present.

¹ In Los Angeles and San Diego, the term "Personnel Director" is used. Boston calls the person analogous to San Diego's Personnel Director the Supervisor of Personnel. New York City calls this officer the Commissioner of Department of Citywide Administrative Services; Columbus, Detroit and San Francisco use the term "Human Resources Director."